

Appl. No. : 10/017,341  
Filed : December 12, 2001

## REMARKS

Applicant wishes to thank Examiner Thaler for the Courtesy extended to Mark Benedict, attorney of record, on March 24, 2006. The Interview Summary From PTOL-413A summarizes the discussion held at the personal interview. The present response to the outstanding Office Action includes the substance of the Examiner Interview.

### **I Disposition of Claims**

Claims 10-11, 12-16, 18-21 are currently pending. Claims 10, 13-15 and 18-19 are currently amended. Amended Claims 10 and 15 are supported throughout the specification, for example, in the original claims and page 6, lines 9-10. Claims 13-14 and 18-19 are amended to correct antecedent basis and claim dependency, and thus for reasons unrelated to patentability. New Claims 20 and 21 are submitted. The new Claims are supported throughout the specification, for example page 9, lines 7-9. No new matter is added.

### **II 35 USC 112, 2nd paragraph**

The Examiner has rejected Claims 12-14 and 17-19 under 35 USC 112, second paragraph for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner points out that there is no antecedent basis for "radial" elements in these Claims. Claims 12 and 17 have been canceled. Claims 13-14 and 18-19 have been amended to recite "circumferential" elements, as recited in Claims 10 and 15. Therefore, proper antecedent bases is present for all the terms in the pending Claims and the rejection should be withdrawn.

### **III Non-obviousness**

The Examiner has rejected Claims 10-19 under 35 USC 103(a) as being obvious over the combined teaching of Fordenbacher (5,733,328) in view of Ryan (5,830,217). Fordenbacher describes an expandable stent while Ryan describes a soluble capsule surrounding a stent on a catheter. The rule according to MPEP 2143 is that to establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The independent Claims, 10 and 15, have been amended to recite the limitation that the circumferential elements comprise "at least one elongated rib disposed between first and second transverse end portions ". This limitation reflects a significant advantage of the stent component

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of the claimed invention over the stent described by Fordenbacher. For the stent component of the claimed invention, in both the collapsed and expanded states, there are no ends of the elements free to protrude into the lumen or outward to the wall of the vessel. Such protrusion in other stents results in an increased risk of thrombosis and/or restenosis. Referring to Fig. 1 of Fordenbacher, the circular members (20) are free to be deformed out of the plane of the circumference of the stent when the stent is in a more collapsed state. Fordenbacher only teaches ribs that connect with a backbone on one end, with the other end being free to protrude into the lumen. Therefore, Fordenbacher does not teach all of the limitations of the claim. Ryan does not teach how to modify the stent of Fordenbacher to have ribs with transverse end portions. Therefore, the combined teaching of Fordenbacher and Ryan does not teach all of the elements of the claims and the rejection should be withdrawn.


### CONCLUSION

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of all outstanding rejections are respectfully requested. Allowance of the claims at an early date is solicited. If any points remain that can be resolved by telephone, the Examiner is invited to contact the undersigned at the below-given telephone number.

Respectfully submitted,

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Dated: 4-3-2006

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